

1 RENE L. VALLADARES  
Federal Public Defender  
2 Nevada State Bar No. 11479  
ANDREW WONG  
3 Assistant Federal Public Defender  
Nevada State Bar No. 14133  
4 411 E. Bonneville, Ste. 250  
Las Vegas, Nevada 89101  
5 (702) 388-6577/Phone  
(702) 388-6261/Fax  
6 Andrew\_Wong@fd.org

7 Attorney for Lamont Mars Pope

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9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 LAMONT MARS POPE,

15 Defendant.

Case No. 2:18-cr-327-JAD-GWF

**STIPULATION TO CONTINUE  
OBJECTIONS TO REPORT AND  
RECOMMENDATION DEADLINE**  
(First Request)

17 IT IS HEREBY STIPULATED AND AGREED, by and between Dayle Elieson,  
18 United States Attorney, and Peter Levitt, Assistant United States Attorney, counsel for the  
19 United States of America, and Rene L. Valladares, Federal Public Defender, and  
20 Andrew Wong, Assistant Federal Public Defender, counsel for Lamont Mars Pope, that the  
21 previously ordered deadline for filing of objections to the report and recommendation be  
22 vacated and continued to February 4, 2019.

23 The Stipulation is entered into for the following reasons:

24 1. Counsel for the defendant needs additional time to research and draft objections  
25 to the magistrate judge's report and recommendation.

26 2. The defendant is incarcerated and does not object to the continuance.

1           3.       The parties agree to the continuance.

2           4.       The additional time requested herein is not sought for purposes of delay, but  
3 merely to allow counsel for defendant sufficient time to investigate, research, and draft  
4 objections.

5           5.       Additionally, denial of this request for continuance could result in a miscarriage  
6 of justice. The additional time requested by this Stipulation is excludable in computing the time  
7 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United  
8 States Code, Section 3161(h)(1)(D), (7)(A), considering the factors under Title 18, United  
9 States Code, Section 3161(h)(7)(B)(i), (iv).

10           This is the first stipulation to continue filed herein.

11           DATED this 17<sup>th</sup> day of January, 2019.

12           RENE L. VALLADARES  
13           Federal Public Defender

              DAYLE ELIESON  
              United States Attorney

14           */s/ Andrew Wong*  
15           By \_\_\_\_\_  
16           ANDREW WONG  
              Assistant Federal Public Defender

*/s/ Peter Levitt*  
              By \_\_\_\_\_  
              Peter Levitt  
              Assistant United States Attorney

1 **UNITED STATES DISTRICT COURT**

2 **DISTRICT OF NEVADA**

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4 UNITED STATES OF AMERICA,

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FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER

9  
10 **FINDINGS OF FACT**

11 Based on the pending Stipulation of counsel, and good cause appearing therefore, the  
12 Court finds that:

13 1. Counsel for the defendant needs additional time to research and draft objections  
14 to the magistrate judge's report and recommendation.

15 2. The defendant is incarcerated and does not object to the continuance.

16 3. The parties agree to the continuance.

17 4. The additional time requested herein is not sought for purposes of delay, but  
18 merely to allow counsel for defendant sufficient time to investigate, research, and draft  
19 objections.

20 5. Additionally, denial of this request for continuance could result in a miscarriage  
21 of justice.

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The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(1)(D), (7)(A), when the considering the factors under Title 18, United States Code, Section 316(h)(7)(B)(i), (iv).

IT IS FURTHER ORDERED, that defense counsel shall have until February 4, 2019 to file the objections to the report and recommendation.

George Foley Jr.  
UNITED STATES MAGISTRATE JUDGE